

JC04 Rec'd PCT/PTO 07 OCT 2005

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OCT 07 2005  
PATENT & TRADEMARK OFFICETRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

37794-0044US

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)

10/523,969

INTERNATIONAL APPLICATION NO.

PCT/US03/024600

INTERNATIONAL FILING DATE

06 August 2003 (06.08.2003)

PRIORITY DATE CLAIMED

09 August 2002 (09.08.2002)

TITLE OF INVENTION

MECHANISMS OF MYOBLAST TRANSFER IN TREATING HEART FAILURE

APPLICANT(S) FOR DO/EO/US

Peter K. LAW

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This express request to begin national examination procedures (35 U.S.C. 371(f). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ had been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20. below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included
13. ☐ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 132 and 37 CFR 1.821-1825
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4)
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information: Response to Notification of Missing Requirements; Req. for Extension of Time; copy of Notice (dated 7/1/05)

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR 1.7)		INTERNATIONAL APPLICATION NO.		ATTORNEY'S DOCKET NUMBER	
10/523,969		PCT/US03/024600		37794-0044US	

21. The following fees are submitted: <input type="checkbox"/> a) Basic national fee .....\$300.00 <input type="checkbox"/> b) Examination fee .....\$200.00 <input type="checkbox"/> c) Search fee .....\$500.00  <div style="text-align: right;"><b>TOTAL OF ABOVE CALCULATIONS =</b></div>				CALCULATIONS PTO USE ONLY	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.				\$	
TOTAL SHEETS	EXTRA SHEETS	NUMBER EXTRA (of each additional 50 or fraction thereof rounded up to a whole number)	RATE		
-100 =	/50 =		x \$250.00		
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$ 130.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	- 20 =		x \$50.00	\$	
Independent claims	- 3 =		x \$200.00	\$	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360.00		
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$ 130.00	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.					
<b>SUBTOTAL =</b>				\$ 130.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f))				+	
<b>TOTAL NATIONAL FEE =</b>				\$ 65.00	
Fee for recording the enclose assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				+	
<b>TOTAL FEES ENCLOSED =</b>				\$ 125.00 (w/1 month EOT)	
10/13/2005 ATRAN1 00000085 10523969 01-FC:2617 65.00 OP				Amount to be refunded:	\$
				Amount to be charged:	\$

a. ☒ A check in the amount of \$ 125.00 to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \_\_\_\_\_ to cover the above fees.  
A duplicate copy of this sheet is enclosed.

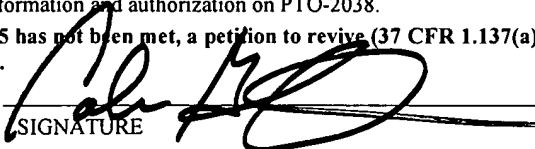
c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment  
To Deposit Account No. 08-1641 A duplicate copy of this sheet is enclosed.

d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**NOTE:** Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

**HELLER EHRMAN LLP**  
 1717 Rhode Island Avenue, N.W.  
 Washington, DC 20036  
 Customer No. : 26633

SIGNATURE 

NAME Colin G. Sandercock Date 10.7.05

REGISTRATION NUMBER 31,298

**COMBINED FEE TRANSMITTAL**  
for FY 2005

**Effective 10/08/2004. Patent fees are subject to annual revision.**

PTO/SB/17 (12-04) (Revised) (For payment of 37 CFR 1.17 fees including (f), (g), (h), & (i))

☒ Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT (\$)** 125.00

**Complete if Known**

Application Number: 10/523,969

Filing Date: February 8, 2005

First Named Inventor: Peter K. LAW

Examiner Name: Unassigned

Art Unit: Unassigned

Attorney Docket No.: 37794-0044US

**METHOD OF PAYMENT (check one)**

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account

Deposit Account Number: 08-1641

Deposit Account Name: Heller Ehrman LLP

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below

☒ Credit any overpayments and charge any deficiencies

☐ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee to the deposit account

**FEE CALCULATION (continued)**

**4. PETITION FEES UNDER 37 CFR 1.17 (f)** Fee Paid

Fee Code: 1462 Fee \$ 400 For petitions filed under: \$ 1.53(e); \$ 1.57(a); \$ 1.182; \$ 1.183; \$ 1.378(e); \$ 1.741(b)

**5. PETITION FEES UNDER 37 CFR 1.17 (g)** Fee Paid

Fee Code: 1463 Fee \$ 200 For petitions filed under: \$ 1.12; \$ 1.14; \$ 1.47; \$ 1.59; \$ 1.103(a); \$ 1.136(b); \$ 1.295; \$ 1.296; \$ 1.377; \$ 1.550(c); \$ 1.956; \$ 5.12; \$ 5.15; \$ 5.25

**6. PETITION FEES UNDER 37 CFR 1.17 (h)** Fee Paid

Fee Code: 1464 Fee \$ 130 For petitions filed under: \$ 1.19(g); \$ 1.84; \$ 1.91; \$ 1.102(d); \$ 1.138(c); \$ 1.313; \$ 1.314

**7. PROCESSING FEES UNDER 37 CFR 1.17 (i)** Fee Paid

Fee Code: 1808 (1803 for \$ 1.221) Fee \$ 130 For petitions filed under: \$ 1.28(c)(3); \$ 1.41; \$ 1.48; \$ 1.52(d); \$ 1.53(b)(3); \$ 1.55; \$ 1.99(e); \$ 1.103(b); \$ 1.103(c); \$ 1.103(d); \$ 1.217; \$ 1.221; \$ 1.291(c)(5); \$ 1.497(d); \$ 3.81

**FEE CALCULATION**

**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Applicati on Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Entity Fee (\$)	Small Entity Fee (\$)	Entity Fee (\$)	Small Entity Fee (\$)	Entity Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	135	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	
<b>SUBTOTAL (1)</b>							\$

**2. EXTRA CLAIM FEES**

Entity Fee (\$)	Small Entity Fee (\$)	Fee Description
50	25	Each claim in excess of 20 or, for Reissues, each claim in excess of 20 and more than in the original patent
200	100	Each Independent claim in excess of 3 or, for Reissues, each independent claim more than in the original patent
360	180	Multiple dependent claim, if not already paid

Extra Claims		Fee from above	Fee Paid
Total Claims	-20** =	50	
Independent Claims	-3** =	200	
Multiple Dependent		360	
<b>SUBTOTAL (2)</b>			\$

\*\*or number previously paid, if greater; For Reissues see below

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof (round up to the a whole number). See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s)

Total Sheets	Extra Sheets	Number of each additional 50	Fee (\$)	Small Entity Fee (\$)
-100 =	/50 =		x 250 OR x 125	
<b>SUBTOTAL (3)</b>				\$

**8. OTHER FEES**

Entity Fee (\$)	Entity Fee (\$)	Fee Description	Fee Paid
130	65	Surcharge - late filing fee or oath	65
50	25	Surcharge - late provisional filing fee or cover sheet	
130	130	Non-English specification	
2,520	2,520	For filing a request for <i>ex parte</i> reexamination	
920*	920*	Requesting publication of SIR prior to Examiner action	
1,840*	1,840*	Requesting publication of SIR after Examiner action	
120	60	Extension for reply within first month	60
450	225	Extension for reply within second month	
1,020	510	Extension for reply within third month	
1,590	795	Extension for reply within fourth month	
2,160	1,080	Extension for reply within fifth month	
500	250	Filing a brief in support of an appeal	
790	395	Filing a submission after final rejection (37 CFR 1.129(a))	
1,510	1,510	Petition to institute a public use proceeding	
500	250	Petition to revive - unavoidably abandoned application	
1,500	750	Petition to revive - unintentionally abandoned application	
50	50	Processing fee for provisional appls (37 CFR 1.17(q))	
180	180	Submission of Information Disclosure Statement	
1,000	500	Request for oral hearing	
790	395	For each additional invention to be examined (37 CFR 1.129(b))	
790	395	Request for Continued Examination (RCE)	
900	900	Request for expedited examination of a design application	
Other fee (specify)			
<b>SUBTOTAL (4+5+6+7+8)</b>			\$ 125.00

\* Reduced by Basic Filing Fee Paid

**SUBMITTED BY**

Name (Print/Type): Colin G. Sandercock Registration No.: 31,298 Telephone: 202-912-2000

Signature: [Signature] Date: 10.7.05 Customer No.: 26633

**Complete (if applicable)**

Attorney Docket No. 37794-0044US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:  
Peter K. LAW

Confirmation No. 3987

Application No.: 10/523,969

Art Unit: Unassigned

Filed: February 8, 2005

Examiner: Unassigned

Title: MECHANISMS OF MYOBLAST TRANSFER IN TREATING HEART FAILURE

**RESPONSE TO NOTIFICATION OF MISSING  
REQUIREMENTS UNDER 35 U.S.C. 371**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This communication responds to the Notification of Missing Requirements Under 35 U.S.C. 371 mailed July 11, 2005.

On February 8, 2005, Applicants filed with the U.S. Patent Office, the required filing fees for the above-referenced application. The Notice indicates the search and examination fees were not paid. Applicants paid the \$100 filing fee under 37 CFR 1.492(b)(1) for any application for which the U.S. was the searching authority. Applicants also paid the \$200 examination fee required under 37 CFR 1.492(c)(2). As verification, Applicants submit herewith:

- 1) a copy of the date-stamped postcard (filed 2/8/05); and
- 2) a copy of the Form PTOL-1390

Applicants are submitting herewith, the late declaration filing fee of \$65.00 for a small entity along with the one month extension fee.

Applicants believe the required fees have been satisfied. However, the Commissioner is hereby authorized to charge any deficiency or to credit any overpayment to Deposit Account No. 08-1641.

Respectfully submitted,

Date: 10.7.05

HELLER EHRMAN LLP  
1717 Rhode Island Avenue, NW  
Washington, D.C. 20036  
Telephone (202) 912-2000  
Facsimile (202) 912-2020

By: 

Colin G. Sandercock  
Registration No. 31,298  
Attorney for Applicant

Customer No. 26633



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/523,969	FIRST NAMED APPLICANT Peter K Law	ATTY. DOCKET NO. 37794-0044US
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INTERNATIONAL APPLICATION NO. PCT/US03/24600
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I.A. FILING DATE 08/06/2003	PRIORITY DATE 08/09/2002
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26633  
 HELLER EHRMAN WHITE & MCAULIFFE LLP  
 1717 RHODE ISLAND AVE, NW  
 WASHINGTON, DC 20036-3001

CONFIRMATION NO. 3987  
 371 FORMALITIES LETTER



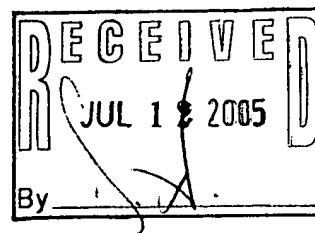
\*OC000000016479183\*

Date Mailed: 07/11/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 02/08/2005
- Copy of the International Search Report filed on 02/08/2005
- Request for Immediate Examination filed on 02/08/2005
- U.S. Basic National Fees filed on 02/08/2005
- Priority Documents filed on 02/08/2005



The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- **\$130** Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$430** for a Large Entity:

- **\$130** Late oath or declaration Surcharge.
- The application search fee has not been paid. Applicant must submit **\$100** to complete the search fee.
- The application examination fee has not been paid. Applicant must submit **\$200** to complete the

examination fee for a non-small entity

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

PAULETTE R KIDWELL

Telephone: (703) 308-9140 EXT 216

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/523,969	PCT/US03/24600	37794-0044US

FORM PCT/DO/EO/905 (371 Formalities Notice)

Title: MECHANISMS OF MYOBLAST TRANSFER IN TREATING HEART FAILURE

Inventors: Peter K. LAW

**10/523969**

Docket. No.: 37794-0044US

Appl. No.: To be assigned

Int'l. Filing Date: August 6, 2003

**\*\*U.S. Natl. Phase Application of PCT/US03/024600 under 35 USC 371\*\***

Transmittal Letter (Form PTO-1390)

Application Data Sheet

Cover Page of International Application (WO 2004/014302 A3)

Published Application (17 pages)

Figures (6 sheets)

Form PCT/IB/304

Form PCT/IB/301

Form PCT/IB/308

Form ISA/210

Check # 070651 in the amount of \$ 300.00

**DT07 Res'd PCT/PTO 0 8 FEB 2005**

**File in PCT Branch/NEW APPLICATION**

Date Due: February 9, 2005

Date Filed: February 8, 2005

Inspected By: \_\_\_\_\_

Return to: CGS/MAM/pdh

**DOCKETED**

**Best Available Copy**